

**IN UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

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IN RE: BEXTRA AND CELEBREX  
MARKETING AND SALES PRACTICES  
AND PRODUCT LIABILITY LITIGATION

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MDL Docket No. 1699

Judge Charles R. Breyer

DIANE ALEXANDER, et al.,

Plaintiff,

v.

G.D. SEARLE LLC, et al.,

Defendants.

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STIPULATION AND ~~PROPOSED~~  
ORDER OF DISMISSAL  
WITHOUT PREJUDICE

CASE NO. 3:05-cv-4781-CRB

**IT IS HEREBY STIPULATED AND AGREED** by and between counsels for the Plaintiff and counsel for the Defendants that the Complaint of Plaintiff **Gary Smith** is hereby dismissed without prejudice.

1. Plaintiff is Gary Smith; defendants are Pfizer, Inc., Pharmacia Corporation, Monsanto Company, and G.D. Searle L.L.C.;
2. On April 5, 2005, Plaintiff sued Defendants;
3. Plaintiff moves to dismiss his claims against Defendants;
4. Defendants have not answered these claims;
5. This case is not a class action;
6. A receiver has not been appointed to this action;
7. Plaintiff has not dismissed an action based on or including the same claims as those present in this suit.

8. Should Plaintiff or a representative of Plaintiff attempt to re-file his claims against Defendants, he shall do so only by filing said claims in Federal Court.

Respectfully submitted:

Dated: 12-15-06

By: [Signature]  
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**GORDON & REES**

Dated: 12-15-06

By: [Signature]  
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*Defendant's Liaison Counsel*

**PURSUANT TO STIPULATION, IT IS SO ORDERED**

Dated: Dec. 19, 2006

Honorable Charles R. Breyer  
United States District Court

